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Attorneys for Nominal Defendant
EXTREME NETWORKS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

YENNA WU, Derivatively on Behalf of
Nominal Defendant EXTREME
NETWORKS, INC.,

Plaintiff.

VS.

GORDON L. STITT, et al.,

Defendants.

and

EXTREME NETWORKS, INC.,

Nominal Defendant.

Case No. C-07-02268-RMW

**STATEMENT OF NON-OPPOSITION BY
EXTREME NETWORKS, INC. TO
MOTION TO CONSOLIDATE AND TO
APPOINT LEAD PLAINTIFF AND LEAD
COUNSEL.**

Date: July 27, 2007
Time: 9:00 a.m.
Courtroom: 6
Judge: Hon. Ronald M. Whyte

1 LINDA ERIKSON, Derivatively on Behalf
 2 of Nominal Defendant EXTREME
 3 NETWORKS, INC.,

Case No. C-07-02388-RMW

4 Plaintiff,

5 vs.

6 GORDON L. STITT, et al.,

7 Defendants,

8 and

9 EXTREME NETWORKS, INC.,

10 Nominal Defendant.

11 FRANK A. GRUCEL, JR., Derivatively on
 12 Behalf of Nominal Defendant EXTREME
 13 NETWORKS, INC.,

Case No. C-07-02848-RMW

14 Plaintiff,

15 vs.

16 GORDON L. STITT, et al.,

17 Defendants,

18 and

19 EXTREME NETWORKS, INC.,

Nominal Defendant.

20 Nominal Defendant Extreme Networks, Inc. (“Extreme”), does not oppose Plaintiff Frank
 21 A. Grucel, Jr.’s Motion to Consolidate Actions and to Appoint Frank A. Grucel, Jr. Lead Counsel
 22 and Appoint Lerach Coughlin Stoia Geller Rudman & Robbins LLP Lead Counsel (“Grucel’s
 23 Motion”). (Docket Entry Nos. 10-12).

24 Extreme agrees with Grucel that the three actions at issue should be consolidated.
 25 Extreme takes no position regarding the appointment of lead plaintiff and lead counsel. Extreme
 26 objects to the unsupported and inflammatory assertions and argument masquerading as “facts”
 27 within Grucel’s Motion and asks that the Court disregard them (specifically, the argument at
 28 pages 1:16-3:6, 3:11-14, 3:20-5:27 of Grucel’s Motion). Since those gratuitous allegations are

1 irrelevant to the substance of Grucel's Motion, however, no further response is necessary at this
2 time.

3 Extreme hereby advises the Court that the parties are in the process of documenting a
4 stipulated order to consolidate the three above-captioned derivative suits now pending in the
5 Northern District that are referred to in Grucel's Motion and to provide a pleading and briefing
6 schedule to which the parties have agreed. Subject to the Court's approval, the stipulation will
7 render the consolidation portion of Grucel's Motion moot.

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9 Dated: July 6, 2007

Respectfully submitted,

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